

STAND. COM. REP. NO. **3390**

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 238
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 238, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WITNESSES,"

begs leave to report as follows:

The purpose and intent of this measure is to increase per diem stipends for witnesses in certain criminal cases.

Specifically, the measure:

- (1) Increases per diem payment amounts for out-of-state witnesses in criminal cases, to support and encourage those witnesses to return to Hawaii to participate in state court proceedings; and
- (2) Provides an additional per diem payment to in-state witnesses who travel interisland and are required to stay overnight to participate in state court proceedings.

Your Committee received written comments in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, the Office of the Prosecuting Attorney of the County of Hawaii, and the Crime Victim Compensation Commission. The Department of Budget and Finance submitted written comments on the measure.



Your Committee finds that the Legislature has not increased the per diem payment for out-of-state witnesses since 1989 and that the amount is no longer sufficient to pay for food, lodging, and necessary personal expenses for witnesses who must travel to Hawaii to appear in state court proceedings. This tends to discourage and even prevent out-of-state witnesses, including crime victims, from returning to the State to testify in court proceedings. Your Committee also finds that the per diem amount for witnesses who are required to travel interisland and remain overnight to attend a state court proceeding is likewise insufficient and should be supplemented. Your Committee believes that this measure will encourage and support the testimony of witnesses who travel from out-of-state or interisland to participate in state court proceedings.

Your Committee has amended this measure by:

- (1) Changing the per diem amount for out-of-state witnesses to an unspecified sum to encourage further discussion; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 238, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 238, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB 238 HD1 8D1	Committee Referral: JDL, WAM	Date: 3-28-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
12	0	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes